HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.V. SEETHAPATHY

WRIT PETITION NO. 1414 OF 2006

BETWEEN

M/s K.M. Industries, Vatluru,

Pedapadu(M), West Godavari District.

.....Petitioner

And

The Union of India,

rep. by its Secretary to Government

Department of Consumer Affairs,

New Delhi & others.

.....Respondents

::O R D E R ::

Counsel for the Petitioner : None

Counsel for Respondent Nos. 1 and 2 : None

Counsel for Respondent No.3 : Shri S.V. Ramana

Dated: 13.06.2006

Per G.S. SINGHVI, CJ

In this petition, the petitioner has prayed as under:

> " For the aforesaid reasons, the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring that IS: 14543: 2004 insofar as it seeks to restrict the container of packaged drinking water in excess 250 ml. flexible pouches to be colourless and transparent and requiring the plastic containers to conform to IS : 15410 : 2003 which in turn requires the plastic containers to be colourless with 85% transparency and be in multiples of 250 ml. and preventing the use of the BIS marking in respect of flexible pouches (sachets) manufacture by the petitioner is arbitrary, unconstitutional and otherwise null and void and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.
>
> It is further prayed that this Hon'ble Court may be pleased to direct the 3rd respondent not to restrict the usage of containers of packaged drinking water in excess of 250 ml. to be colourless and transparent in terms of IS: 14543 : 2004 and restrain the respondents from preventing the petitioner from using the BIS marking in respect of flexible pouches (sachets) on the ground that the same do not have any specifications formulated as yet as long as the contents of the packaged drinking water conform to IS : 14543 : 2004 pending disposal of the writ petition; and to pass such other order or orders may deem fit and proper in the circumstances of the case."

Yesterday, the case was adjourned at the request of the learned counsel for the petitioner with a clear indication that no further adjournment shall be granted.

Since no one has appeared for the petitioner, we are left with no option but to presume that it is not interested in pursuing its cause. Hence, the writ petition is dismissed in default.

G.S. SINGHVI, CJ

G.V. SEETHAPATHY, J

13.06.2006

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